

EXHIBIT 35

IN THE U.S. DISTRICT COURT FOR MARYLAND,
SOUTHERN DIVISION

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IN THE MATTER OF :
BEYOND SYSTEMS, INC. :
Plaintiff, :
v. : Case No.
WORLD AVENUE USA, LLC : PJM 08 cv 0921
Defendants. :
:

Thursday,
September 30, 2010

Pompano Beach, Florida

DEPOSITION OF:

CHRISTOPHER J. CARDONA
called for examination by Counsel for the
Plaintiff, pursuant to Notice of Subpoena, in

the Mumbai Conference Room of the Forum Hotel,
located at 600 SW Third Street, Pompano Beach,
Florida, when were present on behalf of the
respective parties:

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APPEARANCES:

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- 1 P-R-O-C-E-E-D-I-N-G-S
- 2 3:35 p.m.
- 3 WHEREUPON,
- 4 CHRISTOPHER JAMES CARDONA
- 5 having been called as a witness by Counsel for
- 6 the Plaintiff, and having been duly sworn, was
- 7 examined and testified as follows:
- 8 DIRECT EXAMINATION
- 9 BY MR. RING:
- 10 Q Mr. Cardona, my name is Stephen
- 11 Ring. I'll be asking you some questions.
- 12 Let me start by asking you your
- 13 full name.
- 14 A Christopher James Cardona.
- 15 Q And where do you live?
- 16 A In Kendall, Florida.
- 17 Q Can I have a street address?
- 18 A 11876 Southwest 79th Lane.
- 19 Q Are you employed?
- 20 A Yes.
- 21 Q And where do you work?
- 22 A Cruise Planners.

ALSO PRESENT:

CHADD SCHLOTTER

PAUL WAGNER

	Page 6	Page 8
1	Q What do you do for them?	1 Q Okay. And as an Email Campaign
2	A I sell cruise vacations.	2 Manager, what did you do?
3	Q And how long have you been with	3 A My role was to send out -- well,
4	them?	4 first to schedule and send out email
5	A Almost two years.	5 campaigns.
6	Q Have you ever worked for a company	6 Q What's an email campaign?
7	known as World Avenue or The Useful?	7 A Essentially, sending a creative
8	A I -- no.	8 with an offer of some type and facilitating
9	Q Okay. Have you ever worked for	9 that through email.
10	any company affiliated with them?	10 Q What do you mean by "a creative"?
11	A I'm not sure, actually.	11 A An ad, essentially.
12	Q Okay. Well, who did you work for	12 Q And what's the offer?
13	before Cruise Planners?	13 A The offer could have been whatever
14	A Before Cruise Planners, I worked	14 it is we were trying to either sell or have
15	for Royal Caribbean.	15 people respond to.
16	Q And before them?	16 Q Okay. Is the creative something
17	A A company called Niutech.	17 different than the offer?
18	Q And how long did you work for	18 A It's all part of one thing. I
19	Niutech?	19 pretty much think it's the same thing.
20	A I believe 11 months.	20 Q Okay. And when you say your role
21	Q Do you know when that started and	21 was to schedule the email campaigns, what do
22	ended?	22 you mean by scheduling?

	Page 7	Page 9
1	A To the best of my recollection, I	1 A There would be a number of
2	believe it was August 2005 to July 2006.	2 different campaigns, and I would schedule them
3	Q And what were your -- what	3 so that they wouldn't go out twice in the same
4	positions did you hold at Niutech?	4 day. So I had to schedule them in advance.
5	A Email Market -- Email Campaign	5 Q And where did these campaigns go
6	Manager.	6 to? To whom were they intended, I should say.
7	Q Did you hold any other position?	7 A They were intended to people on
8	A No.	8 lists.
9	Q Who did you report to?	9 Q What lists?
10	A When I first started, I reported	10 A Lists that the company had.
11	to Steve Saccone.	11 Q Did the campaigns have a
12	Q Okay. Anybody else?	12 particular size?
13	A And then, afterwards, I reported	13 A Could you clarify?
14	to Dale Harrod.	14 Q Yes. How many email addresses
15	Q And during what period of time did	15 would be involved in a single campaign?
16	you report to Steve Saccone?	16 A Honestly, I don't know because it
17	A I honestly don't remember.	17 wouldn't be sent that way. So I don't know
18	Q You're not sure where during those	18 exactly how many would be in a particular
19	11 months that they switched --	19 campaign.
20	A It was at the beginning, but I'm	20 Q Okay. How would you differentiate
21	not sure when I started reporting to Dale. I	21 one campaign from another campaign?
22	can't really recall.	22 A Essentially, there were campaigns

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1 A Possibly.	1 would work off one calendar, so there wasn't
2 Q All right. What records would	2 duplication. So it would be based on the
3 show what domain names appeared in those	3 entire department.
4 "From" lines?	4 Q What records would show the volume
5 A Well, I guess if there was a way	5 of emails sent out in each campaign?
6 to actually save these emails, I would imagine	6 A Well, I mean, there must have been
7 it would be there.	7 some, you know, probably saved in the
8 Q Do you know if these emails were,	8 database, I'm assuming.
9 in fact, saved by Niutech?	9 Q You referred to physical addresses
10 A No, I don't know if they were or	10 that appeared in the emails. Do you know,
11 not.	11 first of all, what were those physical
12 Q Going back to the tracking of	12 addresses?
13 results, one of the elements you said was	13 A Do you mean the actual address?
14 conversions. What do you mean by conversion?	14 Q Yes, if you recall.
15 A A conversion is essentially what	15 A I don't recall.
16 was the objective of the campaign to buy, to	16 Q Were they the office address where
17 subscribe. Those conversions were tracked	17 you were working?
18 that way. So, did they purchase? Did they	18 A I don't believe so.
19 subscribe? Whatever the offer was offering.	19 Q Did they belong to physical
20 Q Okay. What did you do with the	20 offices where Niutech employees worked?
21 data you received in these results?	21 A Again, I don't know.
22 A They would be put in a	22 Q Do you know if they were UPS
Page 59	Page 61
1 spreadsheet.	1 boxes?
2 Q Did you put them into the	2 A I don't know. They were just the
3 spreadsheet or --	3 addresses that were in the creative.
4 A Yes.	4 Q Did your job entail handling any
5 Q -- how did that happen? Okay.	5 responses from the recipients of emails?
6 What was the name of that spreadsheet?	6 A No.
7 A I don't recall the name of it.	7 Q So you would never have seen any
8 Q What was that spreadsheet used	8 physical mail, for instance, that was sent to
9 for?	9 those physical addresses?
10 A To report the results.	10 A No.
11 Q Do you know if that spreadsheet --	11 Q Is that correct? I asked the
12 well, first of all, what period of time was	12 question poorly. I should say, am I correct
13 covered by that spreadsheet?	13 in understanding that you did not handle any
14 A It was an evolving spreadsheet. I	14 of the physical mail that went to those
15 do believe they were saved by either day or	15 physical addresses? Is that correct?
16 week. So there were multiple spreadsheets.	16 A By physical, you mean postal mail?
17 Q Now when you told me earlier that	17 Q Postal mail, yes.
18 there were roughly three or four campaigns a	18 A Yes.
19 day, were you talking about campaigns that you	19 Q Okay. Do you know of a company
20 personally would send or that the entire email	20 called World Avenue USA, LLC?
21 department would send?	21 A Yes.
22 A Well, essentially, the department	22 Q How do you know of it?

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1 A When I was working at Niutech, my 2 understanding was that was a new brand that 3 they developed.	1 A Well, the boss of the company, 2 Niuniu. That was really the ones that I can 3 recall off the top of my head.
4 Q Who's they?	4 Q So Niuniu Ji, who was the head of
5 A They, the company, Niutech.	5 the company, is that right?
6 Q Have you heard of the name The 7 Useful, LLC?	6 A Yes. Well, that was my 7 understanding that, yes, he was.
8 A Yes.	8 Q And you also knew Mr. Saccone, Mr. 9 Harrod. Do you recall any other names?
9 Q And what do you understand that to 10 be?	10 A There was a gentleman named Eric 11 that was in our department.
11 A My understanding was The Useful 12 was kind of the name before it was Niutech.	12 Q Do you recall his last name?
13 Q Did you receive a paycheck while 14 you worked at Niutech, I assume?	13 A No.
15 A Yes.	14 Q Anybody else you recall?
16 Q And was it a paper check or 17 electronic?	15 A No.
18 A Direct, direct deposit.	16 Q Did you ever look -- I don't know 17 if I finished asking you. I started to ask 18 you a question based on what you saw before 19 the emails went out. Did you look at the 20 emails before they went out in the campaign?
19 Q Direct deposit. And did you 20 receive some kind of a voucher or confirmation 21 that went along with the electronic or direct 22 deposit?	21 A Yes.
22 Q Why did you look at them?	
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1 A Yes.	1 A To make sure everything was there, 2 all the pieces were there.
2 Q Okay. And was the name of the 3 employer on the voucher?	3 Q Did you save that image after it 4 was all assembled?
4 A To the best of my knowledge, yes.	5 A No.
5 Q What was the name of the employer?	6 Q What was the next step after 7 looking at the image to make sure it was all 8 assembled before the campaign went?
6 A Niutech.	9 A That was really the last step in 10 the process, to make sure you didn't miss 11 something.
7 Q Did that change at all during your 8 11 months?	12 Q Was any entry or mark made on the 13 calendar after a campaign was sent?
9 A I don't believe so.	14 MR. SAUNDERS: Objection as to 15 form.
10 Q Okay. Are you aware of any other 11 entities, corporate entities, being housed in 12 the same offices with Niutech during the 11 13 months you were there?	16 THE WITNESS: By mark, what do you 17 mean?
14 A No.	18 BY MR. RING:
15 Q Do you recall the names of any 16 other individuals who worked at the Broken 17 Sound address, whether in your department or 18 not, besides Mr. Saccone and Mr. Harrod?	19 Q "X", a checkmark, "done", 20 "completed", any kind of notation or 21 indication of the status of the campaign after 22 it was sent?
19 A Names of personnel?	
20 Q Yes.	
21 A Yes.	
22 Q Who do you recall?	